



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

September 26, 2014

Richard D. Arnold  
President, Red Shield Acquisition LLC d/b/a Old Town Fuel & Fiber  
24 Portland Street  
P.O. Box 564  
Old Town, ME 04468

Re: Request for Information Pursuant to Section 308(a) of the Clean Water Act ("CWA"),  
33 U.S.C. § 1318(a), Docket No. 14-308-31, regarding Red Shield Acquisition LLC  
d/b/a Old Town Fuel & Fiber's August 8, 2014 and August 29, 2014 correspondence

Dear Mr. Arnold:

Upon review of recent correspondence from Red Shield Acquisition LLC d/b/a Old Town Fuel & Fiber ("OTFF") pulp mill located at 24 Portland Street in Old Town, Maine (the "Facility" or "Site"), the U.S. Environmental Protection Agency, Region 1 ("EPA") has the following questions and feels it is necessary to reaffirm a few requirements that have been communicated in the past that remain unchanged based on the current operating status of the Facility.

Considering the fact that the Facility has indefinitely suspended normal operations, according to the August 21, 2014 email correspondence from Cintya Bailey, EPA feels it necessary to communicate the following expectations that stem from requirements in the Facility's combination Maine Pollutant Discharge Elimination System permit ME0002020 and Waste Discharge License W002226-5N-F-R (the "MEPDES Permit") and requirements specifically set forth in the Findings of Violation and Order for Compliance on Consent dated February 1, 2013 ("AOC") to rehabilitate, inspect, and maintain, at minimum, the clarifiers that the Facility plans to continue to utilize (currently, No. 1 primary and No. 1 secondary), and to minimize stormwater pollution, specifically, but not limited to, the following items:

- OTFF must continue to conduct and record daily inspections of any and all clarifiers the Facility continues to utilize and inlet valves to all four clarifiers, even on days when no discharge occurs. According to Cintya Bailey's recent correspondence, this currently includes No. 1 primary and No. 2 secondary clarifiers (and inlet valves to all four clarifiers). These inspections should continue to be recorded on the Clarifier Inspection Form created by OTFF (see, e.g., Clarifier Inspection Forms attached to August 14, 2014 5-day follow-up letter from Cintya Bailey to Tanya Hovell re: No. 2 Secondary Clarifier "Damp Area").

- As required by the AOC and the MEPDES permit and as indicated would be done by OTFF in its June 4, 2014 letter, OTFF shall submit a schedule for the completion of remaining external repairs to the No. 1 secondary clarifier with a completion date of no later than December 31, 2014.
- If circumstances change and OTFF or any successor intends to or may need to use the No. 2 Primary and/or No. 2 Secondary Clarifiers in the future, OTFF must submit a schedule to EPA for completion of the remaining internal and external work required by the AOC and complete that work prior to use of those clarifiers.
- OTFF's MEPDES permit requires OTFF to comply with all conditions of the permit, including the MEPDES Standard Conditions. Section B(2) of the MEPDES Standard Conditions requires OTFF to "at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit." The inlet valves to both secondary clarifiers are currently in disrepair and are actively leaking wastewater. These valves must be permanently repaired or replaced in order to operate in compliance with the permit. Repair or replacement should be completed as soon as possible, but in any event by no later than December 31, 2014. Please keep in mind that failure to operate and maintain all facilities and systems of treatment and control (and related appurtenances) would constitute a violation of the MEPDES permit and a violation of Section 301(a) of the Clean Water Act, which could subject the Facility to injunctive relief and penalties.
- OTFF must continue to implement its SWPPP, including its requirement for monthly sweeping of the road between the chip and fuel yard and the River. If the Facility proposes to change inspection and housekeeping frequencies due to activities such as the planned removal of all wood chips (including reject pins and fines used for biomass fuel) from the site, OTFF must submit to EPA and MEDEP photo documentation of the site after a final inspection and sweeping following removal of all chips.

Lastly, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a), please provide a response to the following questions within fourteen (14) calendar days of your receipt of this letter:

1. How is OTFF currently addressing leaks from the base of the No. 1 primary clarifier described in its September 12, 2014 letter to MEDEP? How does OTFF propose to permanently repair or replace this section of the clarifier wall? Submit a schedule and description of the proposed work to permanently address this problem.
2. How is OTFF currently addressing leaks from the inlet valves on both secondary clarifiers? When will these valves be permanently replaced? Submit a schedule and description of the proposed work to permanently address this problem.
3. OTFF's June 25, 2014 5-day report regarding the release of primary effluent on June 20, 2014 indicated a number of activities necessary to prevent a similar occurrence,



including the installation of a float valve within the manhole that will notify WWTP staff of the water level to prevent overflows and corrosion of parts. Provide a status report on this work, and if not yet complete, submit a schedule and description of the proposed work to address the problems identified in the investigation following the June 20, 2014 release.

4. As discussed above, OTFF shall complete the remaining external repairs to the No. 1 secondary clarifier. Submit a schedule and description of the remaining work to be completed.

All work required to properly operate and maintain the facilities and systems of treatment and control (and related appurtenances) discussed above should be completed as soon as possible, but in any event by no later than December 31, 2014, and schedules submitted to EPA in response to this letter should comport with that timeline. The fact that the Facility is currently only discharging approximately every 5 days rather than continuously presents a better opportunity than during either normal mill operations or annual maintenance shutdowns to address these continuing problems before conditions become worse and potentially lead to a catastrophic release.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification, Attachment No. 1, is attached to this letter.

Information submitted pursuant to this Request shall be sent by certified mail, and shall be addressed as follows:

United States Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912  
Attention: Alex Rosenberg (OES 04-4)

and

Maine Department of Environmental Protection  
106 Hogan Road  
Bangor, ME 04401  
Attention: Tanya Hovell

Please be advised that noncompliance with the Clean Water Act may subject you to both injunctive relief and penalties. EPA reserves the right to take further enforcement action pursuant to the Clean Water Act, and other applicable laws, including the right to seek penalties for any violations identified at the Facility

If you have technical questions regarding this request, please contact Alex Rosenberg at 617-918-1709. If you have legal questions regarding this request, please have your legal representative contact Laura J. Berry at 617-918-1148.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. Chow', with a long horizontal line extending to the left.

James Chow, Manager  
Technical Enforcement Office  
Office of Environmental Stewardship  
U.S. EPA Region 1

Cc: Alex Rosenberg, Enforcement Officer, U.S. EPA Region 1  
Laura J. Berry, Enforcement Counsel, U.S. EPA Region 1  
Joanna B. Tourangeau, Esq.  
Jana Wood, MEDEP, Stormwater Inspector  
Tanya Hovell, MEDEP, Wastewater Inspector  
Pamela Parker, MEDEP, Enforcement Manager

**Attachment No. 1**

**Statement of Certification**

I declare under penalty of perjury that I am authorized to respond on behalf of Red Shield Acquisitions, LLC. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)